

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BAILEY REYNOLDS and HELEN
MARTINEZ on behalf of herself and
others similarly situated,

Plaintiffs,

v.
FIDELITY INVESTMENTS
INSTITUTIONAL OPERATIONS
COMPANY, INC., FMR LLC,
FIDELITY BROKERAGE
SERVICES LLC, FIDELITY
WORKPLACE INVESTING LLC,
and VERITUDE LLC,

Defendants.

CIVIL ACTION NO. 1:18-cv-00423-
CCE-LPA

JOINT MOTION TO CONTINUE FINAL APPROVAL HEARING

Due to an inadvertent omission of certain putative settlement class members from the distribution list to whom notice of settlement was sent, additional notice is required. Accordingly, the parties jointly move to continue the August 21, 2019 final hearing date.

In support of this request, the parties state the following:

1. Following mediation, Defendants provided to Plaintiffs a list of individuals that they believed were in-scope for purposes of the settlement class definitions. The use of that list resulted in 5,087 putative settlement members receiving notice pursuant to the Court's April 10, 2019 Order.

2. On or about July 12, 2019, an individual contacted counsel for plaintiffs to inquire as to why he had not received notice of the settlement. Plaintiffs' counsel contacted Defendant's counsel, and Defendants reviewed this individual's employment records.

3. On or about July 12, 2019, an individual contacted the settlement administrator to inquire as to why he had not received notice of the settlement. Upon learning of this inquiry, Defendants reviewed this individual's employment records.

4. During the course of that investigation, it was determined that approximately 700 individuals who were employed exclusively by Defendant Fidelity Brokerage Services LLC ("FBS") during the limitations period covered by the settlement had been inadvertently omitted from the list of individuals to receive notice of the settlement.

5. These individuals meet the parties' class/collective definitions, and thus should have received notice. See April 10 Order, Dkt. No. 65, ¶¶ 7, 13.

6. Since learning of this issue, the parties have met and conferred extensively. While the parties agree that notice needs to be sent to the individuals who were inadvertently omitted from the class list, there are certain disagreements between the parties relating to the scope of the additional notices required and other issues that will be the focus of supplemental briefing. The parties will raise these

issues with Court expeditiously, and upon resolution of those issues a new final approval hearing date may be set.

7. The parties remain available at the Court's convenience should the Court have any questions or concerns it wishes to address.

Respectfully submitted,

/s/ Gilda A. Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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